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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,623	04/14/2004	Ralph E. Wesinger JR.	NES-014COM	7888
28661	7590	11/30/2006	EXAMINER	
SIERRA PATENT GROUP, LTD. 1657 Hwy 395, Suite 202 Minden, NV 89423			LY, CHEYNE D	
			ART UNIT	PAPER NUMBER
			2168	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/825,623

Applicant(s)

WESINGER ET AL.

Examiner

Cheyne D. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/06/2006; 10/25/06; 7/20/06; 2/22/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Microsoft Press Computer Dictionary 3rd. (page 56)

### **DETAILED ACTION**

1. Claims 1-28 are examined on the merits.

### **OBJECTIONS**

2. The current status of the parent nonprovisional application(s), Application No. 09/952,985, should be included in paragraph [0001], because said application has been issued as US 6,850,940.

### **CLAIM REJECTIONS - 35 USC § 101**

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 15-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory type subject matter.
5. Claims 15-28 are rejected because said claims are directed to a "web page" wherein one of ordinary skill in the art at the time of the invention would have attributed the customary and ordinary meaning of "A document on the World Wide Web..." (Microsoft Press Computer Dictionary, 3<sup>rd</sup> edition) to the limitation of "web page." Therefore, the claimed "web page" has been interpreted as nonfunctional descriptive material such as a compilation or mere arrangement of data. Nonfunctional descriptive material is nonstatutory when claimed as nonfunctional descriptive material per se. See MPEP 2106.01 [R-5].

### **CLAIM REJECTIONS - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
8. Claims 1-6, 11, 12, 15-20, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dozier et al. (US 5,870,552A) (Dozier hereafter).

### **MOTIVATION TO COMBINE**

9. While, Dozier describes a comprehensive solution to address shortcomings of the publishing tools present in the art (column 2, line 20, to column 3, line 38). Further, describes the use of icons as shortcuts to the features of the improve system (column 13, lines 28-49). Therefore, one of ordinary skill in the art at the time of the invention would

have been motivated by Dozier to improve the described system to have short cuts to the described (column 17, Table 1).

## **PRIOR ART**

10. In regard to claim 1, Dozier describe a method of updating entries in a web site database comprising:

Presenting to a user a webpage for entering information into a database managed by a said web site (Fig. 10a-10d, especially, Fig. 10a Items 162a, 162b, and 162c);

Associating the entered information with said database (Fig. 10a-10d, especially, Fig. 10a “press the Create Table button to create the new database”);

Presenting to said user a confirmation web page...for updating said database (page 17, Table 1, especially, “get form for database entry”, and “get update (existing data));

Receiving a user click...(column 4, lines 27-35, especially, “clicking”); and

Updating said database with said information (page 17, Table 1, especially, “get form for database entry”, and “get update (existing data)”).

11. Dozier does not explicitly describe the limitation of “update icon.” However, Dozier describes the use of icons as shortcuts to the features of the improve system (column 13, lines 28-49). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide an update icon to the update operation of as a shortcut.

12. In regard to claim 2, Dozier describes the act of displaying to the user said updated database information (page 17, Table 1, especially, “get update (existing data)”).

13. In regard to claims 3-5, Dozier describes indexing by category and subcategories (column 2, line 63, to column 3, line 7, column 15, line 29, to column 16, line 44, especially,

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“indexing schemes...for documents and criteria of special interest”, and Fig. 10a-10d exemplifies the categories and subcategories).

14. In regard to claim 6, Dozier describes posting said information to a pre-existing account (page 17, Table 1, especially, “get update (existing data)”). It is noted that posting data to specific user table has been reasonably interpreted as “pre-existing account.”
15. In regard to claims 11 and 12, Dozier describes a user ID and an email address (Figures 10a-10d).
16. In regard to claims 15-20, 25, and 26, Dozier describes the web page cited above.
17. **Claims 7-10, 13, 14, 21-24, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dozier et al. (US 5,870,552A) (Dozier hereafter) as applied to claims 1-6, 11, 12, 15-20, 25, and 26 above, and further in view of Danneels et al. (US 5,410,698) (Danneels hereafter).**

#### **MOTIVATION TO COMBINE**

18. While, Dozier describes a comprehensive solution to address shortcomings of the publishing tools present in the art (column 2, line 20, to column 3, line 38) such as publishing programs to allow network users to take advantage of interactive on-line services...” (column 3, lines 15-25). While, Danneels et al. (US 5,410,698) describes a method and system for multicasting (publishing) audio, video, and text data streams to a plurality of client computers over the internet (column 1, lines 27-62). Therefore, one of ordinary skill in the art at the time of the invention would have been motivated by Dozier

to improve the described system to published programs comprising audio, video, and text data streams to a plurality of client computers over the internet, as described by Danneels.

**PRIOR ART**

19. In regard to claims 7 and 21, Dozier describes all the limitations to said claims except for the limitation of “credit card information.” Danneels describes a multicasting (publishing) method as directed to credit card information (column 5, line 47, column 6, line 11). Therefore, it would have been obvious to one of ordinary skill in the art to published programs requiring credit card information as described by Danneels and Dozier.
20. In regard to claims 8-10 and 22-24, Dozier describes all the limitations to said claims except for the limitation of “verifying” and “password.” Danneels describes a multicasting (publishing) method as requiring verification and password (column 5, line 67, column 6, line 5). Therefore, it would have been obvious to one of ordinary skill in the art to published programs requiring verification with password information as described by Danneels and Dozier.
21. In regard to claims 13, 14, 27, and 28, Dozier describes all the limitations to said claims except for the limitation of “graphical image.” Danneels describes a multicasting (publishing) method as directed to video, and text data streams to a plurality of client computers (column 1, lines 27-41). Therefore, it would have been obvious to one of ordinary skill in the art to published programs as directed to videos as described by Danneels and Dozier.

## **CONCLUSION**

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Czejdo (1990) describes a hypertext database updating system and Czejdo (1991) describes a system comprising a database updating icon.

23. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance.

Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

24. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.




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25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716.

The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dune Ly /   
Patent Examiner

11/26/06